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2 **Resolution Relating to**
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RESOLUTION
Sponsor(s) Councilors Shannon,
Mulvaney-Stanak
Introduced: 01/24/11
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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7 GRANTING A LIMITED AMNESTY LANDLORDS WHO HAVE
8 FAILED TO REGISTER RENTAL UNITS
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12 **CITY OF BURLINGTON**

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14 In the year Two Thousand Eleven.....
15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, Burlington's population consists of a large number of renters; and

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19 WHEREAS, Burlington's housing stock consists of a significant number of rental units;

20 and

21 WHEREAS, renters must have safe and habitable living spaces; and

22 WHEREAS, in order to insure that rental units are in compliance with the minimum
23 housing, health and safety codes, the Burlington City Council has enacted an ordinance requiring
24 landlords to annually register their rental properties with the Code Enforcement Office; and

25 WHEREAS, the Code Enforcement Office cannot insure that a rental unit meets city
26 housing code requirements if it has not inspected the unit because the unit has not been registered
27 by the owner; and

28 WHEREAS it is in the best interest of the city, and equitable to its landlords and its
29 renters for all rental units to be registered and inspected,

30 WHEREAS, the Code Enforcement Office regularly discovers unregistered apartments
31 being offered for rent in Burlington when it receives complaints about code violations; and

32 WHEREAS, the Code Enforcement Office regularly monitors city and other publicly
33 available records in order to identify unregistered rental units and locate their owners, expending
34 scarce resources in the enforcement of the minimum housing law's registration requirement; and

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39 WHEREAS, it is the experience of the Code Enforcement Office that many owners who
40 have not registered their rental units as required have not done so because they were unaware of
41 the law's requirements; and

42 WHEREAS, the use of all effective means to have owners voluntarily comply with the
43 law is in the interest of the City and its Code Enforcement Office as well as landlords who are
44 complying with the law, all tenants, and those landlords who would readily comply upon
45 learning about the law; and

46 WHEREAS, the experience of state tax departments and other agencies of government
47 for similar requirements has shown that a limited amnesty for the past failure to register may
48 provide an incentive for owners of unregistered rental units to register those units such that it is
49 fair to all owners who are complying with the law and such that the cost of enforcement of this
50 requirement for the Code Enforcement Office is effectively reduced;

51 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington declares a limited
52 amnesty between February 1 and March 31, 2011 for all landlords currently offering property for
53 rent in Burlington who have not registered their rental properties for the current April 1, 2010 –
54 March 31, 2011 registration year in order to encourage them to come into compliance with the
55 City's rental unit registration requirements for the April 1, 2011 – March 30, 2012 registration
56 year; and

57 BE IT FURTHER RESOLVED that to take advantage of this limited amnesty owners
58 must file complete 2011-2012 registration year forms with and pay the applicable registration fee
59 to the Code Enforcement Office by April 1, 2011; and

60 BE IT FURTHER RESOLVED that this amnesty shall mean that the City, through its
61 Code Enforcement Office and City Attorney's Office, shall not prosecute those landlords taking

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66 advantage of the amnesty for their failure to have registered their units as required for all
67 registration years prior to April 1, 2011; and

68 BE IT FURTHER RESOLVED that at the expiration of this limited amnesty on April 1,
69 2011, the City, to the best of the Code Enforcement Office's and City Attorney's Office's ability
70 and available resources, shall prosecute landlords who are not in full compliance with rental unit
71 registration requirements to the full extent of the law, such violations being a criminal
72 misdemeanor violation punishable by a fine of not less than \$200 and not more of \$500 and/or
73 imprisonment of not more than 30 days; and

74 BE IT FURTHER RESOLVED that the Code Enforcement Office shall make Burlington
75 landlords and renters aware of this amnesty based on the attached "awareness plan;" and

76 BE IT FURTHER RESOLVED that the Code Enforcement Office shall examine the
77 methods it uses to identify unregistered rental units, including the ways renters and other
78 interested parties can report the existence of unregistered units and where practicable to revise
79 and improve upon the ways owners of unregistered units can be brought into compliance.

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